(5)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILASPUR

Single Bench

WRIT PETITION NO. 1345 /2006

IN SERVICE MATTER.

PETITIONER : Brijlal Yadav s/o ~~Mr~~ Bhagauram aged 33 (Thirty three) years, Panchayat Karmi (Secretary) and resident of (Gram Panchayat) village Bhadora in Janpad Panchayat and Tahsil Bilaigarh, District Raipur (C.G.)

P.R. No. 693/06
Presented by Shri C.R. Sahu
dated 10/2/06

VERSUS

RESPONDENTS :

1. The Chief Executive Officer, Janpad Panchayat, Bilaigarh Distt. Raipur (C.G.)
2. Gram Panchayat Bhadora, in the Tahsil and Janpad Panchayat Bilaigarh, District Raipur
3. Sarpanch (Uttara Kumari Sahu) Gram Panchayat Bhadora, Tahsil Bilaigarh, District Raipur
4. State of Chhattisgarh through the Secretary, Department of Panchayat and Rural Development Dau Kalyan Singh Building (Shashtri Chauk), Raipur
5. The Sub-Divisional Officer, Bilaigarh Tahsil Bilaigarh, District Raipur
6. Maheshwar Das Vaishnava, Panchayat Karmi (Secretary) Gram Panchayat Tundri, Tahsil Bilaigarh, District Raipur.

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OATH COMMISSIONER
APARNA MALVIYA
CG-2973/99
06/02/06
Bilaspur Chhattisgarh

PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA FOR ISSUE OF CIRCIORARY, MANDAMUS, PROHBIBITION ETC. OR ANY OTHER APPROPRIATE WRIT, DIRECTION OR WRIT ORDER.

(48)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1345 of 2006

Petitioner : Brijlal Yadav
Versus

Respondents : The Chief Executive Officer & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Janak Ram Verma, counsel for the petitioner.
Shri A.S. Kachhawaha, Government Advocate for the respondents No. 4 and 5/State.

ORAL ORDER

(27th March, 2006)

1. According to the petitioner, the petitioner was appointed as Panchayat Karmi by order dated 29.1.1996 in the Gram Panchayat, Bhadora, Janpad Panchayat, Bilaigarh, District Raipur.

2. Vide order dated 27.12.2005 (Annexure P/2), the petitioner was put under suspension by the respondent No. 3/ Surpanch, the Gram Panchayat, Bhadora in its meeting dated 30.12.2005 resolved that the respondent No. 3 i.e. Surpanch has no power to suspend the petitioner without following due process of law. The resolution of the Gram Panchayat was approved, thereafter by the Gram Sabha on 28.1.2006 (Annexure P/4).

3. Learned counsel for the petitioner submits that the petitioner has not been paid any salary for the period he remained suspended, when the Gram Panchayat and Gram Sabha have resolved that the suspension order was passed by the respondent No. 3 without having competence.

4. It was further contended that the petitioner is entitled to salary for the period he remained outside the job on account of illegal order passed by the concerned authority i.e. respondent No. 3. The petitioner has

not made any application to the concerned authorities for payment of his salary during this period.

5. The petition is disposed of reserving liberty to the petitioner to make appropriate representation before the competent authority for payment of his salary, if any. The competent authority, in the event, the representation is made, will decide the representation within a period of three weeks from the date of receipt of the representation in accordance with law, on its own merit. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu